

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 3-8, 10-13, 15-18, 20-23, 25-29, and 32-34 are pending and under consideration.

This response is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this response is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicants request entry of this Rule 116 Response because the amendment does not alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 103

In the Office Action, at pages 2-5, claims 1, 3-8, 10-13, 15-18, 20-23, 25-29, and 32-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hollon (U.S. Patent No. 5,768,164) in view of Yutaka et al. (JP 09026832).

Neither Hollon nor Yutaka et al., alone or in combination, discuss or suggest:

a plurality of buttons provided on the main body, adjacent the auxiliary display section, at positions such that the plurality of buttons are operable regardless of whether the lid is in the open position, the closed position, or an intermediate position between the open position and the closed position,

as recited in claim 1. In other words, the invention of claim 1 provides a single plurality of buttons on the main body at positions that allow the buttons to be operable in each of an open position, a closed position, and any intermediate position. In contrast, Hollon discloses two

separate sets of function keys, a first set of function keys 11-18 and a second set of function keys 31-38, wherein only the first set of function keys is disposed on the main body of the computer 10. Furthermore, neither the first set of function keys 11-18 nor the second set of function keys 31-38 of Hollon are operable in each of an open position, a closed position, and any intermediate position. In contrast to claim 1, Hollon discloses that function keys 31-38 are provided on the lid, such that when the lid is open the auxiliary display is not visible and the function keys 31-38 are not operable. The Examiner cites Yutaka et al. merely as disclosing an auxiliary display that is visible in an open and closed position and makes no mention of providing a plurality of buttons adjacent the auxiliary display that are operable in each of an open position, a closed position, and any intermediate position. Yutaka et al. only discloses a touch panel 22 that is disposed adjacent to an LCD 7, wherein the touch panel merely includes a region for inputting a relative moving quantity and direction for use as a pointing device or a region to be used as a pen applicator.

The Examiner states that it would have been obvious to modify the apparatus of Hollon to place the auxiliary display and buttons at a location taught by Yutaka et al. so that the information displaying on the auxiliary display can be seen all the time. However, as discussed above, with respect to providing a plurality of buttons on the main body at positions that allow the buttons to be operable in each of an open position, a closed position, and any intermediate position, as recited in claim 1, Hollon is deficient. As such, even if the Examiner's stated motivation for combining Hollon and Yutaka et al. was proper, which the Applicants do not concede, the Examiner's proposed combination of Hollon and Yutaka et al. would still not result in the invention of claim 1.

Since neither Hollon nor Yutaka et al., alone or in combination, discuss or suggest all of the features of claim 1, claim 1 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 3-4, 10-13, 27, and 32-33 depend either directly or indirectly from claim 1 and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 3, 4, 10-13, 24, and 27 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

Neither Hollon nor Yutaka et al., alone or in combination discuss or suggest:

wherein the plurality of buttons are operable regardless of whether the lid is in the open position, the closed position, or an

intermediate position between the open position and the closed position,

as recited in claim 5. Therefore, claim 5 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 6, 15-18, 25, and 28 depend either directly or indirectly from claim 5 and include all the features of claim 5, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 6, 15-18, 25, and 28 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

Neither Hollon nor Yutaka et al., alone or in combination discuss or suggest:

wherein the plurality of buttons are operable regardless of whether the lid is in the open position, the closed position, or an intermediate position between the open position and the closed position,

as recited in claim 7. Therefore, claim 7 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 8, 20-23, 26, 29, and 34 depend either directly or indirectly from claim 7 and include all the features of claim 7, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 8, 20-23, 26, and 29 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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